



Deposition of:  
**Captain Frank Winston**

*October 27, 2021*

In the Matter of:  
**Miller, Regan v. City of Manassas Park,  
et al**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

-----  
REGAN MILLER, :  
 :  
Plaintiff, :  
 : Case Number:  
vs. :  
 : 1:21-cv-00456  
CITY OF MANASSAS PARK, :  
et al., :  
 :  
Defendants. :  
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DEPOSITION OF CAPTAIN FRANK WINSTON

DATE: October 27, 2021  
TIME: 10:00 a.m. to 3:17 p.m.  
LOCATION: Berenzweig Leonard  
8300 Greensboro Drive  
Suite 1250  
McLean, Virginia 22102

REPORTED BY: Felicia A. Newland, CSR

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1250 Eye Street, N.W., Suite 350  
Washington, D.C. 20005

1 Was it an Internal Affairs  
2 investigation?

3 A It was.

4 Q And what was the -- I guess the  
5 underlying issues of that -- or the allegation?

6 A A female from a call that I ran  
7 claimed that she was raped and made this claim  
8 inside the jail.

9 Q So she was a -- she was an inmate or  
10 she was someone who'd been locked up?

11 A She had been apprehended and taken to  
12 the jail. And at the jail, she made that claim.

13 Q And this was fully investigated?

14 A By an outside agency, yes.

15 Q Who was that outside agency?

16 A St. Mary's County.

17 Q While at Manassas Park, have you ever  
18 been subject to any type of administrative  
19 investigation?

20 A No, sir.

21 Q So just generally, what are the  
22 typical law enforcement duties that are required of

1 a captain at Manassas Park?

2 A Sir, there's a ton of things. I am  
3 in charge, like I said, of a patrol division. I  
4 oversee RMS reports, speed cameras, school bus  
5 cameras. There's a litany of things.

6 Q Did you say RMS reports?

7 A Correct.

8 Q What does RMS stand for?

9 A Our reporting system.

10 Q When you say "our reporting system,"  
11 what does that mean? That's Manassas Park's  
12 reporting system?

13 A Correct.

14 Q Is that an internal reporting system?

15 A Yes.

16 Q What types of things are included in  
17 that RMS system?

18 A Suspects' names, victims' names, the  
19 offense that they committed, the narratives. They  
20 can add pictures or documents by attaching them via  
21 PDF or JPEG. Supervisors are able to approve and  
22 route reports, send back corrections to officers if

1           they need to.

2                   Q       Would things like incident reports be  
3           uploaded to that system?

4                   A       That's what the RMS system is,  
5           incident reports.

6                   Q       So it's essentially an internal  
7           logging system for anything that comes through the  
8           police station?

9                   A       Yeah. Each jurisdiction has a  
10          reporting system.

11                  Q       Do you have access to neighboring  
12          jurisdiction's, their RMS system?

13                  A       No, sir.

14                  Q       So it's all in-house?

15                  A       Correct.

16                  Q       And what's your role with that again?

17                  A       With the RMS system?

18                  Q       Yes.

19                  A       I mean, I have -- I don't have full  
20          access to the entire system. I guess I have most  
21          access because of -- I run our -- or I oversee our  
22          property and evidence section as well, so I have

1           lieutenants?

2                   A       The entire patrol division.

3                   Q       How many officers, approximately, is  
4           that?

5                   A       22.   20, 22.

6                   Q       So on average, presently, how many  
7           active cases are you working on at any given time?

8                   A       Me, none.

9                   Q       None.

10                   And when were you promoted to  
11           captain?

12                   A       When?

13                   Q       Yes.

14                   A       2019.

15                   Q       Do you recall when in 2019? Was it  
16           early? The middle? Late 2019?

17                   A       I believe it was early 2019.

18                   Q       So in your current role you directly  
19           report to Major Reinhart?

20                   A       Yes, sir.

21                   Q       And that's Trevor Reinhart?

22                   A       Yes.

1                   A       No. Typically I think you would  
2                   have -- well, typically you would have two  
3                   administrators per system.

4                   Q       And when did you become an  
5                   administrator for LInX?

6                   A       Early 2019.

7                   Q       Is it fair to say about the time that  
8                   you were promoted to captain, this happened in  
9                   close succession?

10                  A       Yes, I think that's fair to say.

11                  Q       So what are your duties as an  
12                  administrator?

13                  A       I'm able to provide access. I'm able  
14                  to restrict or take away access. You can -- I can  
15                  run reports regarding access usage. Every year an  
16                  audit has to be conducted per LInX, and the format  
17                  that they -- they provide you the format of what  
18                  needs to be done. Because of the size of our  
19                  agency, every member that has access to LInX has an  
20                  audit conducted on them.

21                  Q       So you know as an administrator how  
22                  to conduct an audit?

1                   A       Yes, sir. They provide you an  
2       instruction sheet and it's laid out the way that  
3       they want it.

4                   Q       And what are you looking for?  
5                            Is there anything specific that you  
6       look for when you are going through an audit?

7                            Is there anything that you have to  
8       make a report of?

9                            What's the purpose of it?

10                   MS. BARDOT: Object to form.

11                            You can answer one or all of those  
12       questions.

13                   THE WITNESS: Okay. Can you --

14       BY MR. SMITH:

15                   Q       What's the purpose of the audit?

16                   A       To make sure that there's no misuse  
17       of the system per the rules of LInX.

18                   Q       And are you in charge of identifying  
19       if there has been misuse or are you simply running  
20       the audit report and giving it to somebody else?

21                   A       No, the audit report stays with me.

22                   Q       Right.



1 But I -- I guess what I'm asking, if  
2 you see something that is unusual, are you in  
3 charge of flagging that or do you simply just pull  
4 the audit report and give it to somebody else to  
5 review?

6 A No, I review the audit. If there is  
7 a possibility of misuse, I notify the major.

8 Q And that's Trevor Reinhart?

9 A Yes, sir.

10 Q And those are yearly audits that you  
11 run?

12 A Correct.

13 Q Do you run them at or around the same  
14 time every year?

15 A They require them at the same time,  
16 yes.

17 Q When are they required?

18 A It's between October and December.  
19 There's a date and time that it needs to be done.

20 Q Later in the -- later in the year?

21 A Yes, sir. I'm sorry.

22 Q I'm fine with a head nod, but she

1           can't --

2                   A       I know, she can't transcribe a head  
3       nod.   Nods head.

4                   Q       So are administrators the only people  
5       who can conduct the audits for Manassas Park?

6                   A       For Manassas Park, for our agency, I  
7       guess as employees, yes, I am the only person, but  
8       the overseers of LInX that reside in Montgomery  
9       County could also do that.   I guess the -- I guess  
10      we would call them the owners.

11                  Q       So I think -- because I think I was  
12      calling them administrators before, but I think the  
13      proper name might be program managers.

14                           Does that sound right?

15                  A       That sounds higher than an  
16      administrator.

17                  Q       That might be what I refer to them as  
18      then.

19                           So as an administrator, are you able  
20      to go in and view keystrokes, searches?

21                           What is kind of the depth that you  
22      can look in?

1           online training so they can learn the user portion  
2           of it. The same that you would do for the  
3           administrator stuff.

4           BY MR. SMITH:

5                       Q       So do you have to -- I guess you  
6           would have to do the administrator training prior  
7           to becoming an administrator?

8                       A       Correct.

9                       Q       So you became an administrator in  
10          early 2019. At that point, you had the knowledge  
11          to be able to run audits. You knew how to do --  
12          we'll stop there.

13                      You knew how to run audits?

14                      A       I learned how to run them, but yes.

15                      Q       And you generally knew how to  
16          navigate LInX at that time when you became an  
17          administrator?

18                      A       Yes, I was a user prior to -- a user  
19          of the system.

20                      Q       Is everyone -- are all officers at  
21          Manassas Park, do they have user access, too?

22                      A       No, sir.

1           dispatched, they are dispatched audibly. They also  
2           receive that on their mobile data terminal in their  
3           car. They respond to that call. If it warrants a  
4           report, they take a report, get the information,  
5           come back to the department, and the report gets  
6           entered into the RMS system.

7           BY MR. SMITH:

8                   Q       Are officers who don't properly  
9           document subject to discipline?

10                   MS. BARDOT: Object to form.

11                   You can answer.

12                   THE WITNESS: Yes, if a report was  
13           supposed to be documented.

14           BY MR. SMITH:

15                   Q       Do you recall communicating with LInX  
16           program managers on July 23rd of 2019 regarding the  
17           possible misuse of LInX?

18                   A       I had communications with Catherine  
19           Miller, yes.

20                   Q       And who is Catherine Miller?

21                   A       LInX program manager.

22                   Q       Was this misuse related to Regan

1 Miller?

2 A Yes.

3 Q Who alerted you to the possible  
4 misuse of information?

5 A Major Reinhart.

6 Q As of July 23rd, 2019, did  
7 Major Reinhart have access to the LInX system?

8 A I can't -- I don't...

9 Q But, again, that would be something  
10 that would be documented within the LInX system  
11 itself?

12 A Yes, sir.

13 Q So you were approached by  
14 Major Reinhart. What were your instructions  
15 regarding this investigation?

16 A Again, I duplicated the searches that  
17 were done, conducted an audit of what was ran on  
18 that day in question.

19 Q So was documentation given to you?

20 A Sir, I don't want to assume. I can  
21 only venture to say yes, but I --

22 Q Do you recall if it was an e-mail?

1 MS. BARDOT: Object to form.

2 THE WITNESS: Sir, I see you have  
3 documents in front of you. I don't know if those  
4 are the documents that you're referring to. If you  
5 can provide something that would jog my memory,  
6 but...

7 BY MR. SMITH:

8 Q So do you recall any instruction that  
9 you were given about this specific investigation?

10 A I do remember him telling me in  
11 regards to a name.

12 Q And what was that name?

13 A Vicki Foster.

14 Q Were you given Regan Miller's name at  
15 that time? I'm sorry. Strike that.

16 Were you told that this investigation  
17 was against Regan Miller?

18 MS. BARDOT: Object to form.

19 You can answer.

20 THE WITNESS: Yes.

21 BY MR. SMITH:

22 Q Now, as of July 23rd, 2019, you had

1           been an administrator for several months. You knew  
2           how to run an audit of the LInX system, correct?

3                   A       Yes, I was comfortable with running  
4           an audit.

5                   Q       Were you instructed to contact the  
6           LInX program managers about these searches?

7                   A       I'm required -- if there's a report  
8           of possible misuse, we have to report that to them.

9                   Q       Did you do any audit yourself prior  
10          to contacting the LInX program managers?

11                  A       Yes.

12                  Q       Approximately when would you have  
13          done that audit?

14                  A       I mean, prior to contacting them, I  
15          don't know whether it was hours or days.

16                  Q       Specifically what were you looking  
17          for as it relates to the LInX query that you made  
18          to Catherine Miller in July of 2019?

19                  A       Can you repeat that?

20                  Q       What specifically were you looking  
21          for when you contacted Catherine Miller in July of  
22          2019?

1 MS. BARDOT: Object to form.

2 You can answer.

3 THE WITNESS: It was in regards to  
4 the searches of Victoria Foster.

5 BY MR. SMITH:

6 Q What did you view your role as?

7 And, I guess, to give you a little  
8 context, did you view this simply as you, as the  
9 LInX administrator, who was supposed to pull the  
10 information?

11 A An information gatherer, sir.

12 Q Did you view yourself as an  
13 investigator?

14 A I had no part of investigating any of  
15 it.

16 Q So was it your belief that you were  
17 going to get this information and then hand it over  
18 to somebody else?

19 A Yes, sir.

20 Q And who did you intend to hand this  
21 over to?

22 A To Major Reinhart.



1                   Q       Do you recall what you were  
2                   specifically asking Catherine Miller and other LInX  
3                   program managers to do for you?

4                   A       I provided her with Mr. Miller's name  
5                   and his login and the date and time -- or the date  
6                   and the name of Vicki Foster in regards to the  
7                   queries that he ran.

8                   Q       And as an administrator, you would  
9                   have been able to see this information, correct?

10                           MS. BARDOT: Object to form. What  
11                   information?

12                   BY MR. SMITH:

13                   Q       The information that you just had  
14                   alluded to, the Victoria Foster name --

15                   A       Again --

16                   Q       -- the Regan Miller searches.

17                   A       -- yes, I would see the searches that  
18                   were done, but whether information -- how much  
19                   information was attained down to the in-depth  
20                   keystrokes, I would not see. I would not know.

21                   Q       So is that something that as an  
22                   administrator you can't see?

1                   A        I can't see -- I can see the searches  
2                   that they ran. I can't see the results that they  
3                   got, how long they were in there, what they clicked  
4                   on.

5                   Q        So Catherine Miller was in a position  
6                   to be able to tell you --

7                   A        Catherine, Anna, and Bob would be  
8                   able to duplicate that.

9                   Q        And they would be able to tell you,  
10                  "Here is what was returned from those search  
11                  queries"?

12                  A        And how long, yes.

13                  Q        And how long.

14                           And you see that there is an  
15                  attachment that was -- I'm sorry. Do you need a  
16                  minute?

17                  A        No. I just wanted to turn that off.  
18                  I didn't realize it was still on.

19                  Q        And we agree that there's an  
20                  attachment to the 6:10 p.m. e-mail from Catherine  
21                  Miller?

22                  A        Yes. It appears that she provided us

1 the security audit log.

2 Q And, again, I apologize that it's  
3 small, but this third page of this exhibit, is that  
4 the security audit log that Catherine Miller sent  
5 to you?

6 A Yes, sir.

7 MS. BARDOT: Hey, Drew, I'm going to  
8 take a break if that's okay.

9 MR. SMITH: Sure. How much time do  
10 you need?

11 MS. BARDOT: About five minutes.

12 (Recess from 11:08 a.m. to 11:19 a.m.)

13 BY MR. SMITH:

14 Q Okay. Mr. Winston, do you still have  
15 Exhibit 15 in front of you?

16 And if you can just turn your  
17 attention to that security audit log.

18 A Uh-huh.

19 Q So do you recognize this as the  
20 searches that you were requesting Catherine Miller  
21 to review for you?

22 A Yes, sir.

1                   Q       Can I ask, under -- so under the  
2       column that says "Purpose Code," what does "C"  
3       stand for?

4                   A       Criminal investigation.

5                   Q       And what are the purpose codes?

6                           Are they broad -- as broad as  
7       criminal, or what are some other examples of  
8       purpose codes?

9                   A       There's an employee code -- I say  
10       employee code. Employment code. My apologies.

11                           There's an "F" as well for firearm  
12       searches.

13                  Q       So do you recall how far in advance  
14       of this e-mail that you sent to Catherine Miller on  
15       July 23rd, 2019, that you had the information about  
16       Victoria Foster?

17                  A       A day. If a day.

18                  Q       Is it fair to say July 22nd, 2019 or  
19       July 23rd, 2019?

20                  A       Yes, sir.

21                  Q       So going back to the e-mail that  
22       Catherine Miller sent to you on July 23rd at

1           6:10 p.m., she says, "It appears that the user did  
2           not get any results with the queries he ran."

3                       What does that mean?

4                       MS. BARDOT: Object to form to the  
5           extent you are asking him to interpret somebody  
6           else's e-mail. The document speaks for itself.

7                       But you can answer subject to those  
8           objections.

9                       THE WITNESS: She's responding  
10          that -- that they had ran the queries several  
11          different ways and it appeared that he didn't gain  
12          any results.

13          BY MR. SMITH:

14                      Q          Looking at the security audit log  
15          that's provided, do you agree with that?

16                      MS. BARDOT: Object to form.

17                      THE WITNESS: It appears under -- I  
18          don't know which line this is. It says "Status is  
19          successful," as is password reset, that there was  
20          information obtained.

21          BY MR. SMITH:

22                      Q          Related to a password reset?

1                   A       No. Under -- under where it says  
2       "Self-Service Password Reset, Status: Successful"  
3       under description. Below that there appears to be  
4       information that was obtained. So where, I  
5       guess -- halfway down on the document, there's a  
6       blank line. Under that blank line, it says  
7       "Status: Successful."

8                   Q       Correct, but that looks like the  
9       audit code for that is "Self-Service Password Reset  
10      Initiated."

11                  A       Correct, under that.

12                  Q       Okay. Under that, I see in the --

13                  A       The background free text search for  
14       purpose code -- or justification for homicide, all  
15       search analytical.

16                  Q       I see that. It appears in that  
17       description that says "Neighborhood: All  
18       LInK\index free text 571-358-4809."

19                  A       Correct. There's no information for  
20       that one, but underneath that, regarding the  
21       Victoria Foster stuff.

22                  Q       I'm sorry. You are going to need to

1 help me out with where you are seeing what -- where  
2 there were results that were --

3 A Maybe I'm -- maybe I'm  
4 misunderstanding your request. You're talking  
5 about --

6 Q I'm sorry. So my understanding of  
7 LInX is that you have -- you input information. So  
8 for --

9 A Search information.

10 Q Search information.

11 For example, Victoria Foster.

12 A Correct. That was the information  
13 that was inserted all the way to the description.

14 Q And when you enter that, you can get  
15 results that happen as a result of whatever it is  
16 that you inputted into the system?

17 A Correct. I would not -- what you're  
18 seeing --

19 Q Yes.

20 A -- is what I would see as an  
21 administrator. As far as the key strokes and  
22 results on the back end, I would not -- that's why

1 I would have to contact the program administrators.

2 Q Okay.

3 A So as results listed here, this is --  
4 I'm referring to "results" as the results of what  
5 the queries that were ran.

6 As far as the information that was  
7 obtained from that, whether it was -- a report  
8 opened up, I -- I'm not -- I can't duplicate that.  
9 All I can duplicate is if I go back and actually  
10 type in this phone number and hit search, I would  
11 then get information because I searched that  
12 number. Other than in an audit log, the audit log  
13 will not -- on my end will not show what was  
14 returned to the user that ran that.

15 Q So Catherine Miller would be able to  
16 say if there were any results that were generated?

17 A Correct.

18 Q Okay.

19 A My apologies. My apologies, because  
20 I didn't explain that clear enough.

21 Q So are there situations where you  
22 would input information into LInX and there would



1                   You can go ahead and answer.

2                   THE WITNESS:   So we've had one  
3                   homicide in our jurisdiction since 2013.

4                   BY MR. SMITH:

5                   Q       I'm sorry.   Could you explain that?

6                               So you've only had one --

7                   A       There's only been one homicide since  
8                   2013 in our -- in our jurisdiction.   So when this  
9                   was ran with the justification code "homicide,"  
10                  nobody would -- nobody in our department would have  
11                  the reason to run a search for homicide based on  
12                  "homicide."

13                  Q       But why would you ask if this user,  
14                  presumably Regan Miller, was running a query for  
15                  another person within the department?

16                  A       I didn't --

17                               MS. BARDOT:   Object to form.

18                               You can go ahead and answer.

19                               THE WITNESS:   I didn't ask that.

20                  BY MR. SMITH:

21                  Q       So Catherine Miller -- well, strike  
22                  that.

1                   So at this point, again, July 23rd,  
2                   2019, was -- the information that was included  
3                   within this sheet, was that all the information  
4                   that you were requested by Trevor Reinhart to  
5                   provide?

6                   A        Yes.

7                   Q        Do you recall if you forwarded this  
8                   to anybody?

9                   A        It was provided to Major Reinhart.

10                   MR. SMITH: We'll mark this as 16.

11                   (Winston Deposition Exhibit Number 16  
12                   marked for identification.)

13                   BY MR. SMITH:

14                   Q        Do you recognize this as the e-mail  
15                   that you forwarded to Trevor Reinhart, which  
16                   included the LInX information that you got from  
17                   Catherine Miller on July 23rd, 2019?

18                   A        Yes, sir.

19                   Q        Who else did you send this to?

20                   A        It appears Mario Lugo.

21                   Q        Is there any reason why you would  
22                   have included Chief Lugo on this e-mail?

1 A Not that I recall.

2 Q Were you instructed by anybody to  
3 forward this to Chief Lugo?

4 A Again, not that I remember, sir.

5 MR. SMITH: Let's go off the record  
6 for just a second.

7 (Discussion had off the record.)

8 MR. SMITH: We can go back on the  
9 record.

10 BY MR. SMITH:

11 Q Is there any particular reason why  
12 you didn't include a message in the body of your  
13 e-mail to Chief Lugo and Major Reinhart?

14 A From this e-mail, sir, it appears  
15 that I was just forwarding the attachment.

16 Q What happened after you submitted the  
17 LInX report to Major Reinhart and Chief Lugo?

18 By that, I mean was there any  
19 follow-up questions about this LInX report?

20 MS. BARDOT: Object to form.

21 THE WITNESS: I don't believe so,  
22 sir.

1 BY MR. SMITH:

2 Q So following submission of this LInX  
3 report, what other tasks did you perform related to  
4 the Regan Miller investigation?

5 MS. BARDOT: Object to form.

6 But you can answer.

7 THE WITNESS: Again, sir, I was -- I  
8 was an information gatherer in this. I had nothing  
9 involved in the investigative part of it, other  
10 than, I guess, if you want to --

11 BY MR. SMITH:

12 Q So your understanding was that you  
13 were -- you were just the LInX guy?

14 A Correct.

15 Q And as of July 23rd, 2019, were you  
16 the only administrator?

17 A I don't believe so, sir. I believe  
18 Regan Miller was still a LInX administrator at that  
19 point.

20 Q So at Manassas Park, when  
21 investigating an Internal Affairs issue, is there  
22 one specific officer that's named as the

1 investigator?

2 A I don't conduct Internal Affairs  
3 investigations.

4 Q Were you ever specifically tasked  
5 with investigating the Internal Affairs  
6 investigation against Regan Miller?

7 A Repeat that one more time, please.

8 Q Were you ever tasked with  
9 investigating the Internal Affairs investigation  
10 against Regan Miller?

11 A This -- the LInX portion of this was  
12 my only task.

13 Q So it was your understanding after  
14 that was done, you had completed your requirements?

15 A Yes, sir.

16 Q Do you recall if you ran any  
17 additional searches for Victoria Foster?

18 MS. BARDOT: Are you talking in the  
19 LInX system?

20 BY MR. SMITH:

21 Q In LInX.

22 A Other than what is on this paper?

1 with you. I don't know if it was before, during or  
2 after, but it was sometime during this  
3 investigation that I knew -- that I replicated  
4 those searches.

5 Q And I'm just trying to figure out --

6 A I understand.

7 Q -- the sequence as well.

8 A We're talking 2019 here, so I'm  
9 trying.

10 Q So you were tasked with getting  
11 information related to Regan Miller's searches of  
12 Victoria Foster in July of 2019, correct?

13 A Yes.

14 Q Based upon that request by Trevor  
15 Reinhart, you contacted Catherine Miller, Anna  
16 Berger --

17 A Bob.

18 Q -- Bob Moseley, I think --

19 A Moseley.

20 Q -- and said, "I need information  
21 about Regan Miller's searches of Victoria Foster"?

22 A I'm sure I provided the date, the

1 time, and the description of those offenses that  
2 you have on this -- under the description.

3 Q Understood.

4 So you agree that Catherine Miller --  
5 in the attachment, which is also page 4 of Exhibit  
6 16, that was what you had requested concerning  
7 Regan Miller's searches of Victoria Foster?

8 MS. BARDOT: Object to form.

9 THE WITNESS: Correct.

10 BY MR. SMITH:

11 Q And that is the only thing that Major  
12 Reinhart had asked for you to pull?

13 A For this investigation, yes.

14 Q So I guess the only thing I'm trying  
15 to figure out is, when you forwarded this to  
16 Chief Lugo and Major Reinhart on July 23rd of 2019  
17 at 7:41 p.m., that's all that you've been asked to  
18 do as it relates to the Regan Miller investigation?

19 A I know within our RMS system I  
20 searched the name that -- in certain ways that it's  
21 listed here within our reporting system and nothing  
22 was found, but as in regards to LInX, I -- yes,

1 A No, sir.

2 Q So you said before that your  
3 understanding of your role was to be the provider  
4 of information from LInX, correct?

5 A Correct.

6 Q So was your investigation into Regan  
7 Miller limited to just those LInX searches?

8 MS. BARDOT: Object to form.

9 THE WITNESS: No. I mentioned about  
10 searching her name through our RMS system. So I  
11 mean -- excuse me.

12 BY MR. SMITH:

13 Q So besides searching LInX and the RMS  
14 system, was there anything else that you did in  
15 advancement of the Regan Miller investigation?

16 A In advance?

17 Q To advance, so --

18 A Oh, to advance. I don't believe so,  
19 sir.

20 Q Do you recall any -- receiving any  
21 direction from anybody to do anything else as it  
22 relates to investigations of the Regan Miller



1 matter?

2 A I don't think so.

3 Q Did you ever communicate with any  
4 other agencies about the Regan Miller  
5 investigation?

6 A I do believe I -- I contacted Prince  
7 William County.

8 Q Did someone instruct you to contact  
9 Prince William County?

10 A I believe it was Major Reinhart.

11 Q And what were your instructions?

12 A That their agency have any contact  
13 with Vicki Foster, Victoria Foster.

14 Q Do you have a specific recollection  
15 of this or are you just assuming this is what  
16 happened?

17 A I'm -- I have a recollection of it.

18 Q Was this something that was sent to  
19 you by e-mail? Something that was told to you  
20 verbally?

21 A It -- it may have been verbally. I  
22 don't -- I can't recall that.

1                   Q       You can't recall that -- how it  
2                   was --

3                   A       Correct.

4                   Q       -- communicated to you?

5                             At this point were you named as an  
6                   investigator into the Regan Miller Internal  
7                   Affairs?

8                   A       No, sir.

9                   Q       Were you told to contact any other  
10                  jurisdictions?

11                  A       Not that I'm aware of.

12                  Q       Does the town of Dumfries have their  
13                  own police department?

14                  A       They do.

15                  Q       Did Major Reinhart give you any  
16                  indication as to why he wanted you to contact  
17                  Prince William County Police Department?

18                  A       Not that I recall, sir.

19                  Q       Who did you contact at Prince William  
20                  County Police Department?

21                             MS. BARDOT: You're going to make  
22                  Officer Winston's head explode.

1 A As I can recall, sir.

2 Q Do you ever question orders?

3 MS. BARDOT: Object to form.

4 Relevance.

5 You can answer.

6 THE WITNESS: I'm sure I have, sir.

7 BY MR. SMITH:

8 Q Do you remember in this instance if  
9 you did?

10 MS. BARDOT: Object to form.

11 THE WITNESS: Not that I recall.

12 MR. SMITH: Mark this as 18.

13 (Winston Deposition Exhibit Number 18  
14 marked for identification.)

15 MR. SMITH: If we can go off the  
16 record for just a moment.

17 (Discussion had off the record.)

18 BY MR. SMITH:

19 Q Okay. Mr. Winston, do you recognize  
20 this document?

21 A I do.

22 Q And can you explain what it is?

1                   A       It's an e-mail from -- it appears to  
2       be an e-mail from Neil Miller from Prince William  
3       County Police Department.

4                   Q       And who is Neil Miller?

5                   A       He's an employee of Prince William  
6       County Police Department. Right there on the  
7       bottom it says his signature is Office of  
8       Professional Standards.

9                   Q       Is the Office of Professional  
10      Standards the same as the Internal Affairs unit?

11                  A       Yes, sir.

12                  Q       Okay. So the first line of this  
13      e-mail says, "Per your request."

14                           What did you request from Prince  
15      William County?

16                  A       That if they had any contact with  
17      Vicki or Victoria Foster.

18                  Q       And did you ask them to search  
19      anything in particular?

20                  A       If they had any contact or cases  
21      involving Victoria -- or, excuse me, Vicki or  
22      Victoria Foster.

1 Q Did you give them any type of date  
2 range?

3 A Sir, I don't recall that.

4 Q So in here it says, "Additionally,  
5 the lead detective in our homicide case from  
6 March 20 of 2019 did not recognize the name nor did  
7 he request a task force member to obtain or search  
8 any names or information."

9 Were the searches conducted by Regan  
10 Miller on March 20 of 2019?

11 A In our case or in what I duplicated?

12 Q The Regan Miller searches.

13 A No. They were March 29th, I believe.

14 Q Why were you put in charge of  
15 communicating with Prince William County?

16 MS. BARDOT: Object to form. Calls  
17 for speculation.

18 You can answer.

19 THE WITNESS: Sir, I can't answer  
20 that.

21 BY MR. SMITH:

22 Q So in July of 2019, you were asked to

1 Q Why not?

2 A I -- I -- why would I? I don't -- I  
3 mean I don't know how to answer that question for  
4 you.

5 Q Did anybody tell you not to call that  
6 phone number?

7 A Not that I can recall or I'm aware  
8 of.

9 MR. SMITH: So this might be a good  
10 time to break for lunch.

11 MS. BARDOT: Okay.

12 (Recess from 12:13 p.m. to 1:16 p.m.)

13 MR. SMITH: I think we're ready to go  
14 back on the record.

15 BY MR. SMITH:

16 Q All right. Mr. Winston, before the  
17 break we were talking about an e-mail that you  
18 received from Neil Miller from Prince William  
19 County. So that was Exhibit 18.

20 A Exhibit 18.

21 Q And do you recall forwarding that  
22 e-mail to anybody else?

1 A Forwarding this?

2 Q Correct.

3 A There's a possibility that I could  
4 have, yes, sir.

5 Q Okay.

6 MR. SMITH: So we'll mark this as 19.

7 (Winston Deposition Exhibit Number 19  
8 marked for identification.)

9 BY MR. SMITH:

10 Q So this is an e-mail thread with the  
11 e-mail from Neil Miller from September 12, 2019.

12 A Uh-huh.

13 Q And then you see that you forwarded  
14 that on the same day, approximately two minutes  
15 later, to Trevor Reinhart.

16 Do you recall why you forwarded that  
17 to Trevor Reinhart?

18 A Again, sir, I'm sure he's the one  
19 that asked me to make that contact and that  
20 information was forwarded on to him.

21 Q Do you remember receiving any  
22 instruction from Major Reinhart about providing you

1 junk folder?

2 A Junk or trash, deleted file,  
3 whatever. I don't know what it's called.

4 Q How often do you check your junk  
5 folder?

6 A Not very often.

7 Q So if this went to your junk folder,  
8 what are the odds that you would have followed up  
9 with AT&T?

10 MS. BARDOT: Object to form.

11 THE WITNESS: If it went there, the  
12 odds are probably not good.

13 BY MR. SMITH:

14 Q If it was in your trash bin in your  
15 e-mail, that means you would have deleted the  
16 e-mail, correct?

17 A Correct.

18 Q Do you know if this was ever filed  
19 anywhere?

20 MS. BARDOT: Object to form.

21 THE WITNESS: I cannot answer that.

22 BY MR. SMITH:



1                   Q       Do you recall filing this in any of  
2       the systems?

3                   A       No, sir.

4                   Q       Do you recall if you found this  
5       e-mail in response to a February 2021 FOIA request?

6                   A       No. I found this e-mail on Friday  
7       March 26th, at approximately 3:15, because I  
8       forwarded it -- actually, I -- probably later than  
9       that, probably 3:20, because I forwarded it to  
10      those two individuals when I found it.

11                  Q       What prompted you to search for this  
12      e-mail?

13                  A       I specifically was asked, and I do  
14      believe by Chief Lugo, to make sure that you have  
15      nothing in regards to this date, the name. And,  
16      again, on a date search in my e-mail system from my  
17      phone -- and I will admit driving home from work is  
18      when I -- when I located it -- approximately at 495  
19      and Van Dorn Street to be honest.

20                  Q       I'm sorry. So you were driving and  
21      checking your e-mail?

22                  A       I will admit that, absolutely, sir.

1                   Q       I think we are all probably guilty of  
2       that.

3                               Do you recall what search term you  
4       used --

5                   A       I --

6                   Q       -- in order to find it?

7                   A       I looked at the date of March --  
8       March 29th, with the year of 2019. I didn't -- I  
9       literally physically scrolled back through all of  
10      that to that date and found that.

11                  Q       What else did you find that was  
12      generated on March 29th, 2019?

13                  A       In my deleted folder, nothing. This  
14      was it.

15                  Q       What about your in-box?

16                  A       I would have to replicate that, but I  
17      don't -- nothing related to this litigation.

18                  Q       Did you forward any other e-mails in  
19      response to --

20                  A       In the entire litigation? I'm sure.  
21      I mean, you produced some.

22                  Q       I'm sorry.

1                   So on this -- on March 26, 2021, when  
2                   you were scrolling through your in-box, presumably  
3                   your outbox, your e-mail accounts.

4                   A        I don't believe I did other than  
5                   this.

6                   Q        So you think that this was the only  
7                   thing that you forwarded in response to  
8                   Chief Lugo's request?

9                   A        I do believe, yes, sir.

10                  Q        How did Chief Lugo request that  
11                  search?

12                  A        I believe he walked into my office  
13                  and physically asked me.

14                  Q        So he walked into your office and  
15                  asked for you to take a look at anything related to  
16                  March 29th, 2019?

17                  A        Yes. And I do believe that this was  
18                  involved -- or that his request was -- that what  
19                  prompted this request was information from  
20                  Mr. Miller's previous attorneys and our City  
21                  attorney.

22                  Q        Okay. But you recognize that this is

1 March 26th, 2021, correct?

2 A Correct.

3 Q Okay.

4 A It may have come from you guys. I  
5 mean...

6 Q So you said Chief Lugo came to your  
7 office. How soon after you leave -- so he makes  
8 this request and then you head out for the day.

9 And as you're driving, you decide to  
10 take a look through the e-mails?

11 A So the Wilson Bridge is approximately  
12 a half hour between my house and home. So 15, 20  
13 minutes after I have left the station.

14 Q So as soon as you get in your car,  
15 you start scrolling through your e-mails?

16 A You got it. I'm guilty. But, you  
17 know, it -- it's important enough for me and you  
18 guys. I mean, that's why...

19 Q Do you recall receiving other  
20 instruction related to FOIA requests to search for  
21 certain documents?

22 MS. BARDOT: Object to form.

1 THE WITNESS: There was multiple  
2 requests, I think, in regards to that.

3 BY MR. SMITH:

4 Q So there were multiple requests, but  
5 do you recall conducting searches in response to  
6 those requests?

7 A So that's -- that's difficult to  
8 answer for the fact that -- I mean, I know there  
9 were offline e-mail searches that were done, but  
10 not by me. I believe there was requests to -- to  
11 check, you know, e-mails and, you know, anything  
12 that would jog a memory of the name and date and --  
13 I mean, like, this is -- we're in like the third  
14 year of this now, so it's hard for me to answer  
15 that.

16 Q Do you recall turning over any  
17 documents that you found in response to those  
18 requests?

19 A This document in front of us.

20 Q So this one document, in terms of  
21 your recollection, is the only thing that you  
22 produced related to any requests for documents and

1 information?

2 (Laszlo Palko and Mario Lugo leave  
3 deposition.)

4 THE WITNESS: No. I mean, I turned  
5 these documents over, you know, that were sent to  
6 me.

7 BY MR. SMITH:

8 Q Which documents are you referring to?

9 A Well, I forwarded e-mails from  
10 O'Neil -- or Neil and --

11 Q I'm sorry. Let me be clear; so I  
12 understand that -- that there's e-mails that you  
13 have forwarded to certain people.

14 But in terms of the FOIA requests,  
15 investigations, is this the only document you can  
16 recall?

17 A This wasn't a FOIA request.

18 MS. BARDOT: Object to form. I don't  
19 even know that he knows about the FOIA request, so  
20 I object to the form of your question.

21 BY MR. SMITH:

22 Q Do you recall receiving a litigation

1 hold notice related to this case?

2 A I have a binder that looks similar to  
3 that, your brown one in front of you, that  
4 accordion folder, that's full of paperwork from  
5 this case. That's what I was served with.

6 Q No, not including anybody within  
7 Manassas Park Police Department, but Manassas Park  
8 the City, do you recollect forwarding anything to  
9 anybody at Manassas Park, the City, any documents?

10 A Not that I can recall directly.

11 Q So you said this might have been in  
12 your junk folder, it might have been in your  
13 deleted folder. Did you move this document from  
14 whatever folder it was in to your in-box or is it  
15 still sitting in whichever folder you found it in?

16 A I believe it's still sitting in the  
17 same folder. I literally clicked on it and hit  
18 "forward."

19 Q So as you were scanning through your  
20 e-mails in March of 2021, do you recall if this was  
21 the only e-mail from March 29th, 2019?

22 A Yes, it is.

1                   Q       And to be clear, that's for anything.  
2       That would be other cases. Did you not have any  
3       other e-mails from that day except for this one?

4                   MS. BARDOT: Object to form.  
5       Relevance.

6                   But you can answer if you can  
7       recall.

8                   THE WITNESS: Sir, I can't recall if  
9       there's -- in the deleted folder if there's -- I'm  
10      sure you're the same way. We receive 20, 30, 40  
11      e-mails a day. I mean, I'm sure there's -- I  
12      don't -- that's why this was found. I don't delete  
13      e-mails in my deleted folder.

14                  The City has now started archiving  
15      the e-mails. So, yes, those e-mails disappear  
16      out of there, but they're archived from my phone  
17      or from my desktop. But that's how this was  
18      discovered. I -- that man at the end of the  
19      table doesn't delete anything from his e-mails  
20      either, he saves everything, and has been from  
21      day one. So that's -- that's how this was found.

22                  BY MR. SMITH:



1                   Q       Of course, I understand that. And I  
2 understand -- I understand that this --

3                   A       I know. I'm just trying to be, like,  
4 clear with you that it's -- that's how it was  
5 discovered. I mean, I -- it was literally a -- a  
6 hand search from my phone that day. It wasn't on  
7 my computer screen. It wasn't -- did I admit that  
8 I was driving and doing this? Absolutely I do.  
9 But that's how it was discovered.

10                  Q       And I understand that. And, you  
11 know, in a profession where we get dozens of  
12 e-mails per day, I completely understand that.  
13 What I'm just trying to figure out is -- you say  
14 you don't delete anything. There's a lot of  
15 e-mails presumably that would have come in on that  
16 same day, March 29th of 2019.

17                           The only thing that I'm asking is:  
18 Even if it has nothing to do with this case, even  
19 if you didn't forward it, were there other e-mails  
20 that you have in your account, e-mail account, that  
21 would be from March 29th, 2019?

22                   MS. BARDOT: Object to form.

1 Relevance.

2 You can answer if you know.

3 THE WITNESS: Sure. There's rundowns  
4 that are sent out twice a day, so I'm sure there's  
5 a rundown from that day. I'm sure that there's  
6 probably something there from that day. Was it  
7 enough that -- that I remember when I saw this, you  
8 know? And this is what I focused on because -- you  
9 know, no, it's -- I -- I didn't commit the other  
10 things above it or below it to memory if it was  
11 there.

12 BY MR. SMITH:

13 Q And that's what I'm trying to get at  
14 is: What stood out to you about this e-mail to  
15 where you forwarded it?

16 A The date, the AT&T Mobility.

17 Q So that stood out as something that  
18 could relate to the Regan Miller case?

19 A Correct.

20 Q What was your initial thought when  
21 you found this?

22 A I don't want to have expletives on

1 the record, but that was probably about what it  
2 was.

3 Q And when you say "expletives," was it  
4 more --

5 A Four letter.

6 Q Was it expletives because you had  
7 somehow missed this? That this was somehow there?  
8 Why were you frustrated?

9 MS. BARDOT: Object to form.

10 THE WITNESS: Obviously, I didn't  
11 know this was there, right, that this existed in my  
12 trash folder or deleted folder. Obviously, I knew  
13 the severity of this case, and in the back of my  
14 mind, I thought -- I don't think it was you guys at  
15 the time, but whoever his attorneys were at the  
16 time -- that this document was being secreted from,  
17 you know, this case. And that it's not the case --  
18 that wasn't the case. But immediately I turned it  
19 over to the proper people that needed to know about  
20 it.

21 BY MR. SMITH:

22 Q So you said you had expletives. Did

1           you immediately know that this related to the Regan  
2           Miller case?

3                       MS. BARDOT: Object to form.

4                       THE WITNESS: Did I 100 percent know?  
5           Did I have a gut-feeling? Yeah, because of the  
6           date and time.

7           BY MR. SMITH:

8                       Q       Did it jog your memory about  
9           anything?

10                      A       Honestly, to this day it doesn't.

11                      Q       When you called -- strike that.

12                               Assuming you placed a call to AT&T,  
13           would it have been through an office phone? A  
14           personal cellphone?

15                      A       The phone in dispatch.

16                      Q       It would have been the phone in  
17           dispatch?

18                      A       Uh-huh.

19                      Q       So just to understand, if this came  
20           in at -- and when I say "this," I'm referring to  
21           Exhibit 22, the exigent file.

22                               If this came in from AT&T on

1                   Q       So if you look about halfway down,  
2       you will see that access was granted -- you're  
3       first in the S1A stairwell at 6:43 p.m., and then  
4       you were back in the 911 dispatch room at 6:43 p.m.

5                               So do you agree that's approximately  
6       seven minutes after you received this e-mail from  
7       AT&T?

8                   A       It appears, yes.

9                   Q       Is it possible that your return to  
10      the 911 dispatch room was to make that call to  
11      AT&T?

12                               MS. BARDOT: Object to form.

13                               THE WITNESS: Sir, I don't recall.

14                               MR. SMITH: Okay. We'll mark this as  
15      23.

16                               (Winston Deposition Exhibit Number 23  
17      marked for identification.)

18                               (Discussion had off the record.)

19                               MR. SMITH: All right. Good to go  
20      back on the record.

21                   BY MR. SMITH:

22                   Q       All right. Mr. Winston, I have

1 handed you a document that's entitled, "Prince  
2 William County Police Department Incident Detail."

3 A Uh-huh.

4 Q Do you recognize this document?

5 A Never seen it.

6 Q So it's identified as CAD incident  
7 information.

8 You had mentioned CAD previously.

9 What is CAD?

10 A Computer automated dispatch.

11 Q And can you just generally describe  
12 what is a -- what is the purpose of this CAD  
13 incident information?

14 A I don't work for the county. I have  
15 no clue what -- what they do with this.

16 Q In terms of for Manassas Park. You  
17 have a CAD system as well, what do you -- what's it  
18 used for?

19 A Call intake, dispatch calls. That's  
20 probably the majority of it.

21 Q So looking at this Exhibit 23, what  
22 was the date of the incident described in this

1 report?

2 MS. BARDOT: I will object. The  
3 document speaks for itself. He has never seen it.  
4 You're just simply asking him to read from the  
5 document.

6 But if you want to read from the  
7 document, you can.

8 THE WITNESS: It says, "March 29th,  
9 2019 at 6:55."

10 BY MR. SMITH:

11 Q So under the, "Incident Comments  
12 Report," that first box under "Comments," you see  
13 that all the way at the bottom it says, "Responding  
14 OFC to call, LT Winston with MNPK7032968261."

15 Is that your --

16 A Department cellphone.

17 Q -- department-issued cellphone  
18 number?

19 A Uh-huh.

20 Q It also says in the Comments section  
21 that a lieutenant from Manassas Park called Vicki  
22 Foster and she hung up on him.

1 Did you speak with Victoria Foster on  
2 March 29th, 2019?

3 A Sir, not that I recall.

4 Q In looking through this, does  
5 anything that you see refresh your memory about  
6 matters which took place on March 29th, 2019  
7 related to Victoria Foster?

8 A I mean -- again, with this document,  
9 and the e-mail that I produced on March 26, 2021, I  
10 mean, it's evident that I had involvement in this  
11 at some point. You know, I -- I allegedly  
12 obviously conducted a ping of the phone because  
13 I -- otherwise, I don't think this e-mail would  
14 have been sent to me.

15 I don't remember talking to anybody  
16 from Prince William that day in regards to Vicki,  
17 but I -- I mean, I -- there's no doubt that I  
18 walked in there to help out with everything that  
19 was -- with what's going on here in this case.

20 Q Just out of curiosity, why -- just  
21 generally, why would you request a phone call from  
22 a different jurisdiction related to a case?



1 BY MR. SMITH:

2 Q Correct.

3 MS. BARDOT: Same objection.

4 THE WITNESS: You request one.

5 BY MR. SMITH:

6 Q Who do you make that request to?

7 A Dispatch.

8 Q So if you would turn to page 2.

9 A Of 23?

10 Q Of 23, yes.

11 Do you see in the "comments section,"  
12 it looks like there's two inputs, but one of  
13 them -- which is associated with the 744  
14 disposition date?

15 A Uh-huh.

16 Q It says, "Relayed information to  
17 Manassas Park PD." And this is coming from Unit  
18 Number 1419A, which is identified as Ricardo  
19 Martins.

20 Do you have any recollection of  
21 speaking with Officer Martins from Prince William  
22 County on March 29th?

1 A No, sir.

2 Q Have you seen the report that was  
3 attached to the complaint, which shows a picture of  
4 a cellphone and an outgoing call placed to your  
5 department-issued cellphone at approximately 7:27  
6 on March 29th, 2019?

7 A A picture of an outgoing call?

8 MR. SMITH: So we'll mark this as 24.

9 (Winston Deposition Exhibit Number 24  
10 marked for identification.)

11 BY MR. SMITH:

12 Q Is that the cellphone number,  
13 Mr. Winston, of your department-issued --

14 A It is.

15 Q Do you see there it says,  
16 "March 29th, 7:27 p.m., outgoing call, two minutes,  
17 twenty-three seconds"?

18 A I do.

19 Q And you don't have any recollection  
20 of having a phone call with anybody from Prince  
21 William County?

22 A Sir, I --

1 MS. BARDOT: Object to form.

2 BY MR. SMITH:

3 Q You started to answer, and I don't  
4 know if they caught that.

5 A I'm sorry. I don't.

6 Q So knowing what you know now, would  
7 you agree that the incident that's described in  
8 Exhibit 23, which is the Prince William County CAD  
9 Incident Report, relates to the LInX searches  
10 performed by Regan Miller on March 29, 2019 related  
11 to Victoria Foster?

12 MS. BARDOT: Object to form. Lack of  
13 foundation.

14 THE WITNESS: Do I answer that?

15 MS. BARDOT: Yeah, you can answer if  
16 you have the knowledge about it.

17 THE WITNESS: I don't have the  
18 knowledge of that.

19 BY MR. SMITH:

20 Q I'm sorry. Are you -- are you  
21 looking at Exhibit 24 or 23?

22 A I'm at 24.

1 MS. BARDOT: Object to form. Lack of  
2 foundation.

3 You can answer.

4 THE WITNESS: Yes, it would lead one  
5 to believe.

6 BY MR. SMITH:

7 Q So were you aware that criminal  
8 charges were filed against Regan Miller on  
9 February 12th, 2020?

10 A I was aware they were filed, yes.  
11 That date, I can't specifically say the date, but  
12 I'm aware that they were filed.

13 Q So prior to that date, did you have  
14 any reason to believe that Manassas Park Police  
15 Department was seeking to file criminal charges  
16 against Regan Miller?

17 A I can't honestly say that I did.

18 Q Did it come as a shock to you?

19 MS. BARDOT: Object to the form.

20 You can answer.

21 THE WITNESS: I don't know that it  
22 was a shock.

1 Valerie asked?

2 Q So the question was: If during the  
3 shift -- in quotations -- I'm sorry, in  
4 parentheses -- at approximately ten minutes before  
5 roll call on March 29th, did you ask any Manassas  
6 Park police officers to conduct a LInX search for  
7 you or anyone else?

8 A I would still say no, because I don't  
9 remember asking anybody to search LInX. I had  
10 access to LInX.

11 Q So when were you first made aware of  
12 the fact that Manassas Park was filing criminal  
13 charges against Regan Miller?

14 MS. BARDOT: That's been asked and  
15 answered.

16 You can answer again.

17 THE WITNESS: Say that one more time.

18 MS. BARDOT: I said it's been asked  
19 and answered. He asked you this about six  
20 questions ago, but you can answer it again.

21 THE WITNESS: I believe it was the  
22 day they were filed, sir.

1 MR. SMITH: Point of order, I just  
2 asked if he knew about the criminal charges being  
3 filed on February 12th --

4 MS. BARDOT: I --

5 MR. SMITH: -- of 2020.

6 MS. BARDOT: I take pretty good  
7 notes. He said he was aware that they were filed  
8 and he can't say the date, so I think it's been  
9 asked and answered. But I don't want to argue  
10 objections with you.

11 MR. SMITH: That would be fine.

12 MS. BARDOT: It's really not.

13 BY MR. SMITH:

14 Q Since that time, have you reviewed  
15 the incident report related to the criminal  
16 complaint filed against Regan Miller?

17 A I have never seen the incident report  
18 related to this.

19 Q Why don't you take a look here.

20 MR. SMITH: So we'll mark this as 25.

21 (Winston Deposition Exhibit Number 25  
22 marked for identification.)